UNITED STATES PATENT AND TRADEMARK OFFICE

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10/521,606	01/18/2005	Salah Bouzar	0687-1001	4929

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed June 30, 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 10-16* is/are rejected.

7)☒ Claim(s) *6-9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Remarks

1.   The Office Action has been made issued in response to amendment filed June

30, 2008. Claims 1-16 are pending. Applicant's arguments have been carefully and

respectfully considered in light of the instant amendment, and are not persuasive.

Accordingly, this action has been made FINAL.

<u>Objections to the Drawings</u>

        The drawing submitted by Applicant on June 30, 2008 was accepted by the

Examiner. Therefore is objection is being withdrawn.

<u>Objections to Specification</u>

        The proper headings were inserted into the specification along with an revised

abstract. Therefore is objection is being withdrawn.

Claim Rejections – 35 USC section § 112

Applicant has amended the claims to provided proper antecedent basis.

Therefore is rejection is being withdrawn.

Claim Rejections – 35 USC section § 103

In response to Applicant's argument on pages 15-16 that Liam does not

expressly disclose deactivating or reactivating a programmable processor, however, the

Examiner disagrees since Liam clearly teaches a vehicle detection window detect the

moving vehicle in column 21, lines 9-11 and if the vehicle is not present in the preceding

and current frame the vehicle detection window will be in an idle state in column 21,

lines 14-15. Thus the processor would be activated and deactivated during process of

detecting the presence of the vehicle in a region of interest (ROI). Applicant also when

on to argues that deactivating and activating means to turn the programmable

processor on and off, however, Applicant is reminded that deactivating and activating

does not necessarily means to turn something on and off. Deactivating and activating

could also means changing a state, not necessary turning something on and off.

Applicant also argued that Liam fail to teach a scene moving relative to a target,

an argument to which the Examiner disagrees. Liam clearly teaches ROI, see page 2,

section 2.2 which would be equivalent to a target and a scene would definitely

correspond to a vehicle since the vehicle is moving.

On page 17, Applicant argues that Bague does not cure the deficiencies of Liam,

however, the Examiner disagrees since Liam did not mention the use of an

optoelectronic converter and Bague discloses a method for traffic accident data

recording wherein an optoelectronic converter of a real optical image of the scene in

column 14, lines 30-31; thus curing the deficiencies of Liam.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Liam (WO 01/33503) in view of Bague (US Patent No.: 6,246,933).

     As to independent claim 1, Liam discloses a method of detecting an incident on

a portion of route (1) situated in a scene (2) (method for detecting traffic incident,

column 1, lines 7-10) when said portion of route is suitable for having objects traveling

therealong (detection of vehicle of region of interest (ROI) at traffic sites, column 11,

lines 1-7), and when the method makes use of a video camera (3) (1301, see Fig 1)

having a target (4) constituting an optoelectronic converter of a real optical image of the

scene, said target being controlled by a programmable processor member (6) (image

processing unit, see Fig 1), the process for detecting incidents being suitable for being

performed by activating said programmable processor member only while the real

image (5) of the scene focused on the target (4) is stationary (note that for incident

detection for detection of a stop vehicle, the speed of the vehicle is zero, see column

22, lines 25-23 and column 23, lines 1-15), the method being characterized in that it

consists: in detecting the beginning of movement of the real image of the scene relative

to the target (note that the vehicle detection window detect the moving vehcile, column

21, lines 9-11); in deactivating the programmable processor member as soon as the

real image of the scene begins to move relative to the target (note that if the vehicle is

not present in the preceding and current frame the vehicle detection window will be in

an idle state, see column 21, lines 14-15); in detecting the end of movement of the real

image of the scene relative to the target (see column 21, lines where the vehicle

detection window detect that the vehicle is not present, column 21, lines 12-14); and in

reactivating the programmable processor member at the end of the movement of the

real image of the scene relative to the target in order to implement the process for

detecting an incident (see column 23, lines 1-15, where a stopped vehicle is detected

indication a traffic incident). However, Liam does not expressly disclose an

optoelectronic converter of a real optical image of the scene. Bague discloses a method

for traffic accident data recording wherein an optoelectronic converter of a real optical

image of the scene (see column 14, lines 30-31). At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to modified the method for

detecting a traffic incident of Liam with the method for traffic accident data recording for

reproducing and reconstructing accident by using traffic information stored in a traffic

accident data recorder (column 1, lines 7-14) so that a traffic incident could be

reconstructed using real historic data instead of post-accident or estimated data

(column 6, lines 5-8).

As to claim 2, Liam teaches the method, characterized in that the beginning and the end of movement of the real image of the scene relative to the target are detected: by determining at least one first image point of said real image of the scene corresponding to a fixed point of said scene; by generating a first command signal when said first image point is subjected to a change of position on said target; and in controlling said programmable processor member as a function of said first command signal (see column 19, lines 14-30, where textual measurement for the region of interest is computed using matrix elements).

As to claim 3, Liam teaches the method, characterized in that the beginning and the end of movement of the real image of the scene relative to the target are detected: by determining at least second and third image points of said real image of the scene corresponding respectively to two stationary points of said scene; by generating a second command signal when the distance between said second and third image points changes; and by controlling said programmable processor member as a function of the second command signal (see column 19, lines 14-30, where textual measurement for the region of interest is computed using matrix elements).

As to claim 4, Liam teaches the method, characterized in that the beginning and the end of movement of the real image of the scene relative to the target are detected: by determining at least fourth and fifth image points of said real image of the scene

which correspond respectively to two stationary points of said scene; by generating a

third command signal when the distance between the fourth and fifth image points

varies and when at least one of the fourth and fifth image points is subject to a change

of position on said target; and by controlling said programmable processor member as a

function of the third command signal (see column 19, lines 14-30, where textual

measurement for the region of interest is computed using matrix elements).

As to claim 10, Liam teaches the method characterized by the fact that the

beginning and the end of movement of the real image of the scene relative to the target

are detected: by determining a plurality of image points of said real image of the scene

corresponding to a plurality of points that are stationary at the beginning of movement of

the real image; by generating a fourth command signal when a determined number of

said plurality of image points have become stationary again at the end of movement of

the real image; and by controlling said programmable processor member as a function

of said fourth command signal (see column 19, lines 14-30, where textual measurement

for the region of interest is computed using matrix elements).

3.   Claims 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Liam (PCT/SG99/00115) in view of Bague (US Patent No.: 6,246,933) further in

view of Michalopoulos et al (Patent No.: US 4,847,772).

As to claim 5, neither Liam or Bague teach the method, characterized by the fact

that it consists in subdividing said target into a plurality of photosensitive points, said

photosensitive points being suitable for delivering signals as a function of the quantity of

radiation received by their photosensitive surfaces. Michalopoulos discloses a vehicle

detection method (column 1, lines 8-10) characterized by the fact that it consists in

subdividing said target into a plurality of photosensitive points, said photosensitive

points being suitable for delivering signals as a function of the quantity of radiation

received by their photosensitive surfaces (see Fig 3, where the image is divided into

blocks, also se column 2, lines 55-65). At the time of the invention, it would have been

obvious to a person of ordinary skill in the art to modified the method for detecting a

traffic incident of Liam as modified by Bague with the vehicle detection method of

Michalopoulos to determine vehicle presence, passage, measure various traffic

parameters, thus facilitating traffic surveillance (column 1, lines 10-17) by processing

selection portion of the successive frames (column 4, lines 30-35).

As to claims 11-13, note the discussion of claim 5 above.

As to claim 14-16, all the limitations are discussed above except: video camera

with an optical axis controllable in azimuth, elevation and focal distance, wherein the

real image of the scene begins to move relative to the target occurs upon the beginning

of a zooming in function or a zooming out function of the real image and wherein the

end of the movement of the real image of the scene relative to the target occurs upon

an end of a zooming in function or a zooming out function of the real image. However, it

would have obvious for one skilled in the art to have modified Liam as modified by

Bague to include video camera with an optical axis controllable in azimuth, elevation

and focal distance wherein the end and beginning of the scene is a function of the zoom

so that the camera would be in optimal position and have the proper focus to capture

the scene and to quickly and easily determine if there an incident has occurred.

Allowable Subject Matter

4.   Claims 6-9 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the

limitations of the base claim and any intervening claims.

Conclusion

2.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANDRAE S. ALLISON whose telephone number is

(571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am -

5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison   /Jingge Wu/
                                                        Supervisory Patent Examiner, Art
November 3, 2008   Unit 2624